

**Amendments to the Claims**

This listing of the claims will replace all prior versions and listings of claims in the application.

**Listing of Claims:**

1. (original): An optical retro-reflective apparatus with modulation capability comprising:
  - a retro-reflecting Fabry-Perot structure including a pair of reflective surfaces; and
  - a micromechanical device for moving at least one of the reflective surfaces of said pair of reflective surfaces relative to another one of the reflective surfaces of said pair of reflective surfaces a distance which causes the pair of the reflective surfaces to switch between a reflective mode of operation and a transmissive mode of operation.
2. (original): The apparatus of claim 1 wherein the retro-reflecting structure includes a corner cube arrangement with the pair of reflective surfaces forming at least one angled reflecting surface of the corner cube arrangement and another reflecting surface forming another angled reflecting surface of the corner cube arrangement.
3. (withdrawn): The apparatus of claim 2 further including a detector disposed to receive an optical beam passing through the reflective surfaces when in said transmissive mode of operation.
4. (withdrawn): The apparatus of claim 2 further including a detector disposed to receive an optical beam reflected from the reflective surfaces when the reflective surfaces are in said reflective mode of operation.
5. (original): The apparatus of claim 1 wherein the micromechanical device is a MEM device made using photolithographic techniques.
6. (original): An optical retro-reflective apparatus for modulating an optical beam, the

apparatus comprising:

a retro-reflecting structure including a substrate and a moveable grating structure;  
and

a micromechanical device for moving the moveable grating structure relative to the substrate to cause the retro-reflecting structure to switch between a retro-reflective mode of operation and a non-retro-reflective mode of operation, the micromechanical device being responsive to a signal to impart modulation to an optical beam which is retro-reflected from the retro-reflecting structure.

7. (original): The apparatus of claim 6 wherein the retro-reflecting structure includes a corner cube arrangement with said substrate and moveable grating structure forming at least a portion of one reflecting surface of the corner cube arrangement and at least another reflecting surface forming another reflecting surface of the corner cube arrangement.

8. (withdrawn): The apparatus of claim 7 further including a detector disposed to receive a beam reflected from the substrate and moveable grating structure when the substrate and moveable grating structure are in said reflective mode of operation.

9. (original): The apparatus of claim 7 wherein said one reflecting surface of said corner cube arrangement is pixelated by a plurality of moveable grating structures.

10. (original): The apparatus of claim 9 wherein the gratings of one moveable grating structure of said plurality of moveable grating structures is rotated about a central axis thereof related to neighboring moveable grating structures.

11. (original): The apparatus of claim 10 wherein the at least another reflecting surface has a moveable grating structure associated therewith which is responsive to said signal for imparting modulation to the optical beam that is retro-reflected from the retro-reflecting structure.

12-21. (canceled)

22. (original): An apparatus for retro-reflecting and modulating an optical beam comprising:

a. a retro-reflecting structure having at least one moveable optical element for selectively reflecting the optical beam impinging the retro-reflecting structure, the moveable optical element having a first position in which the retro-reflecting structure retro-reflects the optical beam and having a second position in which the retro-reflecting structure does not retro-reflect the optical beam, the first and second positions being spaced by a distance less than a wavelength of the optical beam; and

b. a micromechanical device for moving said at least one moveable optical element in response to a modulation signal to thereby modulate the optical beam as a modulated retro-reflected beam.

23. (original): The apparatus of claim 22 wherein the retro-reflecting structure includes at least a pair of reflective surfaces, at least one of said surfaces including the at least one optical element which is moved less than a wavelength of the optical beam in order to modulate the retro-reflected beam.

24. (original): The apparatus of claim 23 wherein the pair of reflective surfaces are arranged in either a cat's eye or a corner cube configuration.

25. (original): The apparatus of claim 22 wherein the retro-reflecting structure includes a substrate and a grating structure, at least one of said substrate and said grating structure comprising the at least one optical element which is moved less than a wavelength of the optical beam in order to modulate the retro-reflected beam.

26. (original): The apparatus of claim 25 wherein the substrate and grating structure are arranged in either a cat's eye or a corner cube configuration.

27-32. (canceled)

33. (previously presented): An optical retro-reflective apparatus with modulation capability comprising:

- a first reflective surface;

- a second reflective surface having a first position in which the retro-reflecting apparatus retro-reflects an optical beam and having a second position in which the retro-reflecting apparatus does not retro-reflect the optical beam; and

- a micromechanical device operable to move the second reflective surface between the first position and the second position,

- wherein the first reflective surface and the second reflective surface are parallel to each other in the first position and the second position.

34. (previously presented) The apparatus of claim 33 wherein the first and second positions being spaced by a distance less than a wavelength of the optical beam.

35. (previously presented): An optical retro-reflective apparatus for modulating an optical beam, the apparatus comprising:

- a retro-reflecting structure including a substrate and a moveable grating structure having a first position in which the retro-reflecting structure retro-reflects an optical beam and having a second position in which the retro-reflecting structure does not retro-reflect the optical beam; and

- a micromechanical device for moving the moveable grating structure between the first position and the second position,

- wherein the moveable grating structure and the substrate are parallel to each other in the first position and the second position.

36. (new): The apparatus of claim 6, wherein the substrate is at least partially reflective.

37. (new): The apparatus of claim 6, further comprising a partially reflective surface.

38. (new): The apparatus of claim 37 wherein the moveable grating structure is

configured to at least partially reflect an optical beam towards the partially reflective surface.

39. (new): The apparatus of claim 35, further comprising a partially reflective surface.

40. (new): The apparatus of claim 39 wherein the moveable grating structure is configured to retro-reflect an optical beam towards the partially reflective surface when in the first position.

41. (new): The apparatus of claim 22 wherein the retro-reflecting structure includes a first grating structure and a second grating structure, at least one of said grating structures comprises the at least one optical element which is moved less than a wavelength of the optical beam in order to modulate the retro-reflected beam.